

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

ROBERT B. BINGHAM

PLAINTIFF

V.

CIVIL ACTION NO. 2:09cv118-MTP

**CITY OF LAUREL, OFFICER BRIAN BUXTON,
AND OFFICER LANCE WILLIAMS**

DEFENDANTS

ORDER

THIS MATTER is before the court on a motion [22] filed by Plaintiff requesting that the court impose sanctions on Defendants for their failure to comply with a March 29, 2010 Omnibus Order [17] directing them to produce “a copy of an audio or video recording of the incident at issue herein, to the extent such recording is in Defendants’ possession, custody or control.”¹ In response to the motion, Defendants aver that no such recording is in their possession. Accordingly, the court finds no basis to impose sanctions on Defendants.

IT IS, THEREFORE, ORDERED that Plaintiff’s motion [22] is denied.

SO ORDERED this the 29th day of July, 2010.

s/ Michael T. Parker

United States Magistrate Judge

¹ The tape at issue is a surveillance tape alleged by Plaintiff to have been maintained by the gas station where the incident at issue in this lawsuit occurred.